

2007 No. ***

ENVIRONMENTAL PROTECTION, ENGLAND AND WALES

The Pollution Prevention and Control (England and Wales) (Amendment) Regulations 2007

<i>Made</i>	- - - -	***
<i>Laid before Parliament</i>		***
<i>Coming into force</i>	- -	2007

These Regulations are made in exercise of the powers conferred by section 2 of the Pollution Prevention and Control Act 1999(a).

The Secretary of State, in relation to England, and the National Assembly for Wales, in relation to Wales, have in accordance with section 2(4) of that Act consulted the Environment Agency, such bodies or persons appearing to them to be representative of the interests of local government, industry, agriculture and small businesses as they consider appropriate, and such other bodies and persons as they consider appropriate.

Accordingly, the Secretary of State, in relation to England, and the National Assembly for Wales, in relation to Wales(b), make the following Regulations—

Citation and commencement

1. These Regulations may be cited as the Pollution Prevention and Control (England and Wales) (Amendment) Regulations 2007 and come into force on *** 2007.

Amendment to the Pollution Prevention and Control (England and Wales) Regulations 2000

2.—(1) The Pollution Prevention and Control (England and Wales) Regulations 2000(c) are amended as follows.

(2) In Section 1.1 of Part 1 of Schedule 1 (activities, installations and mobile plant)—

(a) at the beginning of paragraph (b)(iii) of Part A(1) insert the words “subject to the conditions set out in paragraph 5 of this Section,”;

(b) under the heading “Interpretation of Part A(1)”, after paragraph 4 add—

“5. The conditions referred to in paragraph (b)(iii) of Part A(1) are that the fuel—

(a) 1999 c. 24. The Secretary of State can exercise these powers only in relation to England: see section 53 of the Scotland Act 1998 (c.46) and section 5(3) of the Pollution Prevention and Control Act 1999.

(b) The functions of the Secretary of State, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by S.I. 2005/1958.

(c) S.I. 2000/1973.

- (a) results from a gas produced by biological degradation of waste on landfill that is not subject to a permit under these Regulations, but is regulated by a waste management licence granted under section 35 of the Environment Protection Act 1990;
- (b) is burnt in an appliance that is used on landfill not regulated under these Regulations but in respect of which a waste management licence is in force; and
- (c) is utilised as part of a combustion activity that is not separately permitted under a landfill permit as defined in regulation 6(2) of the 2002 Regulations.

6. In paragraph 5, where a landfill becomes subject to a permit granted under regulation 10 in respect of a Part A(1) activity referred to in Section 5.2 of Chapter 2 of this Part after the *[insert the coming into force date of this amendment S.I. here]* but before 31 October 2007, the combustion activity shall not be treated as a Section 1.1 activity”.

Name
Presiding Officer
National Assembly for Wales

Date

Name
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

Date

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Pollution Prevention and Control (England and Wales) Regulations 2000 (the “PPC” Regulations).

Regulation 2 amends Part A(1) of Section 1.1 (combustion activities) of Part 1 of Schedule 1 to identify the circumstances in which fuel that comprises waste gases from landfill can be burnt by combustion appliances with an aggregated rated thermal input of 3 megawatts or more, but less than 50 megawatts, without requiring a combustion activity permit under the PPC Regulations.

A regulatory impact assessment has been prepared and placed in the library of both Houses of Parliament. It is available at www.defra.gov.uk/environment/ppc/policy.htm.